

Attorney Docket: 2097/49123
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: JEAN GOSSELIN ET AL

Serial No.: 09/631,637

Filed: AUGUST 2, 2000



Title: METHOD TO TREAT INFECTIOUS DISEASES AND/OR
TO ENHANCE ANTIMICROBIAL EFFICACY OF DRUGS

SUBMISSION OF SMALL ENTITY DECLARATION

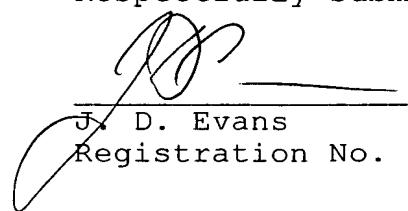
Commissioner for Patents
Washington, D.C. 20231

Sir:

Attached is a small entity declaration for the above-identified application. It is respectfully requested that small entity status be granted. If there are any questions in reference to this request, please contact the undersigned.

Respectfully submitted,

December 4, 2000

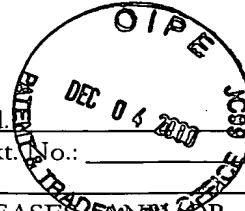

J. D. Evans
Registration No. 26,269

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& LENAHAN, P.L.L.C.
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JDE/ajf

#3

Applicant or Patentee: Jean Gosselin et al. Serial or Patent No.: _____ Atty. Dkt. No.: _____ Filed or Issued: _____ For: METHOD TO TREAT INFECTIOUS DISEASES AND/OR TO ENHANCE ANTIMICROBIAL EFFICACY OF DRUGS



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) AND 1.27 (c)] - SMALL BUSINESS CONCERN**

I hereby declare that I am

the owner of the small business concern identified below;
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN VIROCELL INC.
ADDRESS OF CONCERN 925 chemin St-Louis, Suite 450
Quebec City, Quebec, Canada G1S 4W6

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHOD TO TREAT INFECTIOUS DISEASES AND/OR TO ENHANCE ANTIMICROBIAL EFFICACY OF DRUGS by inventor(s) Jean Gosselin; Pierre Borgeat; Louis Flamand; and Michel J. Tremblay described in:

the specification filed herewith;
 application serial no. _____, filed _____;
 patent no. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. [37 CFR 1.27]

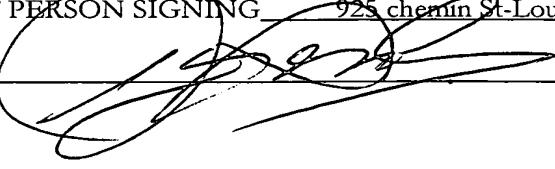
NAME _____
ADDRESS _____
 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Jean Gosselin
TITLE OF PERSON OTHER THAN OWNER President
ADDRESS OF PERSON SIGNING 925 chemin St-Louis, Suite 450, Quebec City, Quebec, Canada G1S 4W6

SIGNATURE  DATE Dec 04 2000

**COMBINED
DECLARATION FOR UTILITY OR DESIGN
PATENT APPLICATION (37 CFR 1.63)
AND POWER OF ATTORNEY**

Declaration Submitted with Initial Filing OR Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

Attorney Docket Number	
First Named Inventor	Jean Gosselin et al.
Complete if known	
Application Number	O I P E
Filing Date	DEC 04 2000
Group Art Unit	369
Examiner Name	

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD TO TREAT INFECTIOUS DISEASES AND/OR TO ENHANCE ANTIMICROBIAL EFFICACY OF DRUGS

the specification of which

is attached hereto.
OR
 was filed on _____
(mm/dd/yyyy)

as United States Application Number or PCT International Application Number _____
and was amended on _____ (if applicable)
(mm/dd/yyyy)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)

Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.



**COMBINED DECLARATION FOR UTILITY OR DESIGN
PATENT APPLICATION (37 CFR 1.63) AND POWER OF ATTORNEY**

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

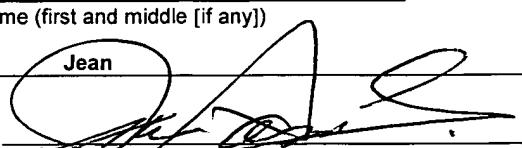
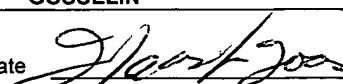
Additional U.S. or PCT International application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent Trademark Office connected therewith:

<input type="checkbox"/> Customer Number <input style="width: 100px;" type="text"/>	<input checked="" type="checkbox"/> Registered practitioner(s) name/registration number listed below	<i>Place Customer Number Bar Code Label Here</i>	
Name	Registration Number	Name	Registration Number
Joseph D. Evans	26,269	Herbert I. Cantor	24,392
Donald D. Evenson	26,160	Gary R. Edwards	31,824
Robert Mitchell	25,007	Guy Houle	24,971
Kevin P. Murphy	26,674	Robert Carrier	30,726
Michel J. Sofia	37,017	François Nadeau	37,570
France Côté	37,037		

Direct all correspondence to <input type="checkbox"/> Customer Number or Bar Code Label <input style="width: 100px;" type="text"/>	OR <input checked="" type="checkbox"/> Correspondence address below
Name Joseph D. Evans Address EVENSON, McKEOWN, EDWARDS & LENAHAN Address Suite 700, 1200 G Street, N.W. City Washington State D.C. Postal Code 20005 County USA Telephone (202) 628-8800 Fax (202) 628-8844	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Jean		Family Name or Surname GOSSELIN	
Inventor's Signature 		Date 	
Residence: City Cap Rouge State Quebec Country Canada		Citizenship Canadian	
Post Office Address 1259 Des Chasseurs, Apt. 1			
City Cap Rouge	Province or State Quebec	Postal Code Or Zip G1Y 3M3	Country Canada

Additional inventors are being named on the supplemental Additional Inventor(s) PTO/SB/02A attached hereto.



COMBINED DECLARATION FOR UTILITY OR DESIGN
PATENT APPLICATION (37 CFR 1.63) AND POWER OF ATTORNEY

PTO/SB/02A (3-97)

DECLARATION

ADDITIONAL INVENTOR(S)
Supplemental Sheet
Page 3 of 3

Name of Additional Joint Inventor, if any:

A petition has been filed for this unsigned inventor

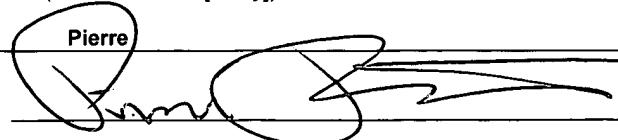
Given Name (first and middle [if any])

Pierre

Family Name or Surname

BORGEAT

Inventor's Signature



Date

21/8/2000

Residence:

City Sillery State Quebec Country Canada Citizenship Canadian

Post Office Address 2100 Brulart

City Sillery

Province
or State

Quebec

Postal Code
Or Zip

G1T 1G3

Country

Canada

Name of Additional Joint Inventor, if any:

A petition has been filed for this unsigned inventor

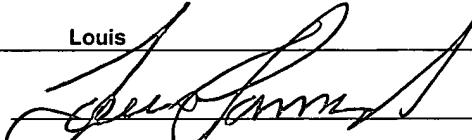
Given Name (first and middle [if any])

Louis

Family Name or Surname

FLAMAND

Inventor's Signature



Date

21/8/2000

Residence:

City Sainte-Foy State Quebec Country Canada Citizenship Canadian

Post Office Address 3890 Montréalault

City Sainte-Foy

Province
or State

Quebec

Postal Code
Or Zip

G1X 4H9

Country

Canada

Name of Additional Joint Inventor, if any:

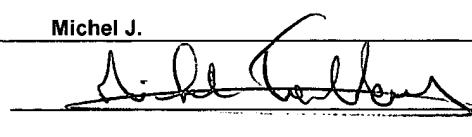
A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Michel J.

TREMBLAY

Inventor's Signature



Date

20/8/2000

Residence:

City Neufchâtel State Quebec Country Canada Citizenship Canadian

Post Office Address 7073 Des Brumes

City Neufchâtel

Province
or State

Quebec

Postal Code
Or Zip

G2C 1P3

Country

Canada

Additional inventors are being named on the

supplemental Additional Inventor(s) PTO/SB/02A attached hereto.